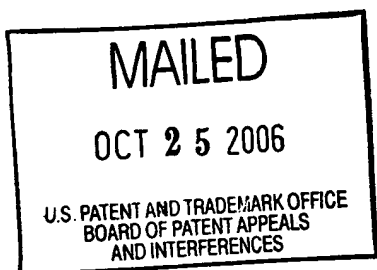


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LALIT K. MESTHA, YAO RONG WANG
and KENNETH J. MIHALYOV

Application No. 10/000,379

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on September 29, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the file indicates that the appellants filed a paper entitled "Amendment E (after final)" on May 3, 2006. However, there is no indication that the Examiner considered the Amendment.

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Also, the Appeal Brief filed on May 3, 2006 reveals that the following required sections are missing:

- (1) "**EVIDENCE APPENDIX**," as set forth in 37 CFR § 41.37(c)(1)(ix); and
- (2) "**RELATED PROCEEDINGS APPENDIX**" as set forth in 37 CFR § 41.37(c)(1)(x).

A Supplemental Appeal Brief that is in compliance with 37 CFR § 41.37(c)(1)(ix) and 37 CFR § 41.37(c)(1)(x) is required.

Further, Information Disclosure Statements (IDS) were filed January 23, 2003 and March 25, 2004. It is not apparent from the record that the examiner considered the statements submitted or notified applicants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

ORDERED that the application is being electronically returned to the examiner:

- 1) for consideration and proper response of the Amendment;
- 2) to have appellants submit the missing appendices required by 37 CFR § 41.37(c)(1)(ix) and 37 CFR § 41.37(c)(1)(x);

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- 3) for consideration of the Information Disclosure Statements;
- 4) and for such further action as may be appropriate.

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